

THE HONORABLE JAMES L. ROBART
SPECIAL MASTER MARK P. WALTERS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CALIFORNIA EXPANDED METAL
PRODUCTS COMPANY, a California
corporation; and CLARKWESTERN
DIETRICH BUILDING SYSTEMS LLC,
dba CLARKDIETRICH BUILDING
SYSTEMS, an Ohio limited liability
company,

Plaintiffs,

v.

JAMES A. KLEIN, an individual;
BLAZEFRAME INDUSTRIES, LTD., a
Washington company; and SAFTI-SEAL,
INC., a Washington company,

Defendants.

CASE NO. 2:18-cv-00659-JLR

**STIPULATED MOTION AND
[PROPOSED] ORDER FOR
EXTENSION OF DEADLINES**

JLR

**NOTE ON MOTION CALENDAR:
April 27, 2022**

Pursuant to LCR 7(d)(1), Plaintiffs CEMCO and ClarkDietrich (“Plaintiffs”), Defendants James A. Klein and Safti Seal, Inc. (“Defendants”), and Added-Party Seal4Safti, Inc. (“S4S”) (collectively, “the Parties”) respectfully request the Special Master to recommend to the Court to extend Plaintiffs’ deadline to disclose damages expert(s) by three weeks to May 23, 2022 and all related dates accordingly.

On March 8, 2022, the Court set the schedule for the damages phase of the instant contempt proceedings (Dkt. 303) (“Order”) as follows:

EVENT	DEADLINE
Damages discovery phase begins	March 14, 2022
Plaintiffs’ deadline to disclose damages expert(s)	May 2, 2022
Defendants/S4S’ deadline to disclose rebuttal damages expert(s)	May 30, 2022
Damages discovery phase closes	June 14, 2022
Plaintiffs file joint Opening Brief re damages to Special Master	July 8, 2022
Defendants and S4S file joint Response Brief	July 22, 2022
Plaintiffs file joint Reply Brief / Noting Date	July 29, 2022

Good cause exists for the extension of these deadlines. *See* Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge's consent.”); *Johnson v. Mammoth Recreations, Inc.* 975 F2d 604, 609 (9th Cir. 1992) (noting “[t]he district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the party seeking the extension.” (internal quotations omitted)).

Plaintiffs are unable to meet the deadline to disclose their damages expert despite their diligence in conducting discovery. Even before the opening of the discovery phase on March 14, 2022, Plaintiffs served a letter to Defendants and S4S on March 10 requesting the supplementation of document production regarding damages. On the day discovery opened on March 14, Plaintiffs propounded additional document requests to S4S related to damages. S4S responded on April 13, 2022 to the requests for production, but there are unresolved disagreements as to the scope of the discovery and Plaintiffs have not yet received any supplemental documents. The Parties are currently coordinating a time to meet and confer on the supplementation of documents. Thus, Plaintiffs do not have the necessary financial information for their expert to prepare her report by the current May 2 deadline. As other discovery deadlines depend on the May 2 deadline for Plaintiffs’ expert disclosure, the Parties

request that the Court extend all deadlines by three weeks as follows.

EVENT	CURRENT DEADLINE	REQUESTED DEADLINE
Damages discovery phase begins	March 14, 2022	
Plaintiffs' deadline to disclose damages expert(s)	May 2, 2022	May 23, 2022
Defendants/S4S' deadline to disclose rebuttal damages expert(s)	May 30, 2022	June 20, 2022
Damages discovery phase closes	June 14, 2022	July 5, 2022
Plaintiffs file joint Opening Brief re damages to Special Master	July 8, 2022	July 29, 2022
Defendants and S4S file joint Response Brief	July 22, 2022	August 12, 2022
Plaintiffs file joint Reply Brief / Noting Date	July 29, 2022	August 19, 2022

For the foregoing reasons, the Court should grant the Motion.

Respectfully submitted,

TROJAN LAW OFFICES

by

April 27, 2022

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April 27, 2022

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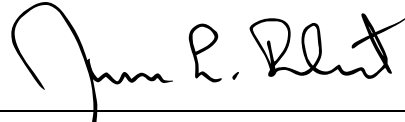
April 27, 2022

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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated this 27th day of April, 2022.



The Honorable James L. Robart
UNITED STATES DISTRICT JUDGE